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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SAGE HUMPHRIES, GINA MENICHINO,  
ROSEMARIE DEANGELO, DANIELLE  
GUTIERREZ, JANE DOE 1 AND JANE  
DOE 2

PLAINTIFFS,

V.

MITCHELL TAYLOR BUTTON AND  
DUSTY BUTTON

DEFENDANTS

CASE: 2:21-CV-01412-ART-EJY

**DEFENDANTS' MOTION FOR  
RECONSIDERATION OF ORDER  
DENYING EMERGENCY MOTION  
TO FILE PROTECTED  
MATERIALS (ECF NO. 505)**

**DEFENDANTS' MOTION FOR RECONSIDERATION OF ORDER DENYING  
EMERGENCY MOTION TO FILE PROTECTED MATERIALS (ECF NO. 505)**

1 Defendants Mitchell Taylor Button and Dusty Button, respectfully move for  
2 reconsideration of the Court's denial (ECF No. 505) of their Emergency Motion for Court  
3 Approval to File Certain Protected Materials Under Seal in the related matter pending in the  
4 Central District of California (Case No. 8:24-cv-01730-JVS-DFM).

5  
6 This request is made pursuant to Fed. R. Civ. P. 54(b) and the Court's inherent  
7 authority to revise interlocutory orders prior to final judgment. Reconsideration is warranted  
8 because the Court's order rests on a factual misunderstanding of the scope of Defendants'  
9 underlying motion and overlooks the ongoing relevance of the materials to active litigation  
10 against remaining defendants, including Daryl Katz, Robert Klieger, and Anthony Pellicano.

11 I. THE COURT'S ORDER IS BASED ON A CLEAR  
12 MISUNDERSTANDING OF THE MOTION'S SCOPE  
13

14 The Court denied Defendants' Emergency Motion based on the premise that  
15 the materials sought to be used were relevant only to claims against individuals who have  
16 since been dismissed with prejudice (Micah and Michael Humphries, Kathryne Meyer, and  
17 Hannah Stolrow). This conclusion is demonstrably incorrect.

18 As expressly stated in Defendants' publicly filed Reply (ECF No. 501), the  
19 motion sought permission to use materials not only in relation to the dismissed parties, but  
20 also in connection with still-pending claims against Katz, Klieger, and Pellicano. Specifically,  
21 the Reply reads:

22  
23 "Importantly, claims remain pending against Daryl Katz, Robert Klieger, and  
24 Anthony Pellicano. [...] The materials at issue go far beyond Katz's communications. They  
25

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1 include therapy notes, medical records, and full deposition transcripts that bear directly on  
2 Plaintiffs' claims and Defendants' ability to mount a defense." (ECF No. 501 at 4–5).  
3 Accordingly, the Court's finding that "there is no reason to permit disclosure of confidential  
4 discovery materials" is factually inaccurate and warrants reconsideration.

5  
6 II. THE MATERIALS REMAIN RELEVANT AND WERE  
7  
8 CONDITIONALLY APPROVED FOR SEALING IN THE  
9  
10 CALIFORNIA ACTION

11 The Central District of California conditionally granted Defendants' request to  
12 file the relevant materials under seal, contingent on this Court's approval under the governing  
13 protective orders. The California court's order implicitly acknowledged the materials'  
14 ongoing relevance to the remaining defendants and claims.

15 Courts in the Ninth Circuit routinely allow cross-use of discovery when  
16 confidentiality is preserved. See *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,  
17 1131–33 (9th Cir. 2003); *Olympic Refining Co. v. Carter*, 332 F.2d 260, 265 (9th Cir. 1964).  
18 The continued sealing of Exhibit B would maintain confidentiality, while protecting  
19 Defendants' due process rights to rebut the serious claims pending in the related action.

20 Additionally, refusing to permit sealed use of discovery materials already  
21 produced in this matter — and already conditionally approved for sealed filing in the Central  
22 District of California — serves no purpose but to obstruct efficiency and foster duplication.  
23 This undermines judicial economy and inter-court comity, particularly where the relevance of  
24 the materials has been established.

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1                   III.     THE MATERIALS REMAIN ESSENTIAL FOR APPELLATE  
2                                   PURPOSES AND PRESERVING THE RECORD

3                   Defendants have already filed a Notice of Intent to Appeal in the Central  
4 District of California, preserving their right to challenge the dismissal of claims against  
5 several defendants. The materials at issue form part of the core evidentiary basis for both that  
6 appeal and the active litigation that remains ongoing.  
7

8                   The Ninth Circuit has repeatedly held that sealed materials may be filed on  
9 appeal and are often essential to ensuring a complete and accurate record. See *In re Roman*  
10 *Catholic Archbishop of Portland*, 661 F.3d 417, 425 (9th Cir. 2011); *Phillips v. General*  
11 *Motors Corp.*, 307 F.3d 1206, 1212–13 (9th Cir. 2002). Moreover, *Beckman Indus., Inc. v.*  
12 *Int’l Ins. Co.*, 966 F.2d 470, 475–76 (9th Cir. 1992), confirms that protective orders must  
13 yield where justice and due process require access to discovery in related litigation.  
14

15                  To deny Defendants access to these materials for use in briefing and  
16 evidentiary development related to an active appeal, and ongoing claims involving Katz, is  
17 judicially and constitutionally improper.

18                   IV.     THE COURT’S RESPONSE TO KATZ-RELATED MATERIALS  
19                                   CREATES AN APPEARANCE OF SELECTIVE ENFORCEMENT

20                  The Court’s original Order (ECF No. 503) erroneously stated that the entire  
21 Reply and exhibits were filed under seal and demanded redaction of references to Exhibit B  
22 — despite no such requirement in the Protective Order or applicable rules. That directive was  
23 later reversed only after Defendants filed a motion for clarification.  
24

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1 Plaintiffs, meanwhile, have repeatedly referenced Katz-related messages,  
2 mental health records, and confidential discovery materials without any redaction orders or  
3 sealing restrictions. This inconsistent enforcement of procedural safeguards has resulted in a  
4 systemic disparity in how Defendants are treated when seeking to use similar material in a  
5 sealed and appropriate manner.  
6

7 V. PATTERN OF DISPARATE TREATMENT AND APPEARANCE  
8 OF JUDICIAL BIAS

9 Defendants respectfully submit that the Court's recent rulings are not isolated  
10 errors, but part of a pattern that increasingly undermines the appearance of impartiality in  
11 these proceedings. Plaintiffs and their counsel have repeatedly been permitted to reference  
12 confidential discovery materials, including Katz-related messages, therapy notes, and sealed  
13 deposition content, without being ordered to redact or seal their filings. Defendants, by  
14 contrast, have been met with procedural obstacles and redaction orders not grounded in any  
15 prior directive or applicable rule.  
16

17 This asymmetrical enforcement of the Protective Order contributes to a record  
18 that appears skewed in favor of Plaintiffs and against Defendants. When the Court allows  
19 Plaintiffs to submit Katz-related filings without restriction while burdening Defendants'  
20 efforts to file the same categories of evidence under seal, it creates the appearance of  
21 preferential treatment.  
22

23 Moreover, these decisions implicate not only procedural fairness, but also  
24 transparency and public confidence in judicial proceedings. While Defendants are not seeking  
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1 public dissemination of sealed materials, the selective sealing and redaction of references to  
2 Katz from public filings—despite Plaintiffs’ repeated unredacted references—raises concerns  
3 under the First Amendment right of public access to judicial proceedings. See *Kamakana v.*  
4 *City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Courthouse News Serv. v.*  
5 *Planet*, 750 F.3d 776, 786–88 (9th Cir. 2014).

7 In short, the sealing decisions appear designed not to protect sensitive  
8 information, but to insulate a high-profile individual from legitimate legal scrutiny. That is  
9 neither the purpose of protective orders nor consistent with the Court’s duty to apply such  
10 orders equally.

11 The Court’s inconsistent rulings — particularly where Katz is concerned —  
12 may also trigger judicial estoppel. The Supreme Court has recognized that judicial integrity is  
13 undermined when a court adopts contradictory positions. See *New Hampshire v. Maine*, 532  
14 U.S. 742, 749 (2001). This Court has previously accepted sealed submissions involving Katz-  
15 related evidence. To now deny leave to submit similar evidence under seal, without change in  
16 facts or law, reflects an unacknowledged shift in position that is not explained or justified.

18 Finally, Defendants stress that their inability to file relevant rebuttal  
19 materials—already produced in discovery and conditionally accepted for sealing—  
20 undermines their ability to respond to serious and ongoing allegations. The Supreme Court  
21 has long held that due process demands a meaningful opportunity to present evidence and  
22 confront adverse claims. See *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970); *Brady v.*  
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1 Maryland, 373 U.S. 83 (1963). Denying Defendants this opportunity while allowing Plaintiffs  
2 to proceed unimpeded offends the adversarial principle on which our legal system depends.

3 While Defendants remain respectful of the Court's authority, the cumulative  
4 effect of mischaracterized rulings, improper redaction demands, and disproportionate scrutiny  
5 imposed when Katz is implicated raises the appearance of bias. Defendants respectfully  
6 request that, if the Court does not believe it can impartially reconsider this issue, referral to a  
7 different magistrate or a status hearing be considered to preserve public confidence in the  
8 fairness of these proceedings.  
9

10 CONCLUSION

11 For the foregoing reasons, Defendants respectfully request that the Court  
12 reconsider its denial of the Emergency Motion (ECF No. 497) and grant leave to file certain  
13 confidential information under seal in the related California action, consistent with the  
14 California court's conditional approval and the principles of fairness, comity, and due  
15 process.  
16

17  
18  
19 Respectfully dated this 2<sup>nd</sup> day of July, 2025,

20  
21   
22

23 Mitchell Taylor Button and Dusty Button (*Pro se*)  
24  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed with  
LV\_public\_docketing@nvdcourts.gov on July 2<sup>nd</sup>, 2025 and served on all parties via email.

Dated this 2<sup>nd</sup> day of July, 2025,

Two handwritten signatures in black ink are positioned above a horizontal line. The signature on the left is more stylized and compact, while the one on the right is more elongated and includes a long horizontal stroke at the end.

Mitchell Taylor Button and Dusty Button

*(Pro se)*

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